

Sarah
Flanagan/R2/USEPA/US
10/03/2005 02:38 PM

To Robert.J.Montgomery/R2/USEPA/US@EPA
cc
bcc
Subject Fw: Bayonne

PRPs request to schedule a review of McNamara documents

— Forwarded by Sarah Flanagan/R2/USEPA/US on 10/03/2005 02:37 PM —



"Saling, Alison T."
<asaling@kling.com>
07/15/2005 10:46 AM

To Sarah Flanagan/R2/USEPA/US@EPA
cc "Saling, Alison T." <asaling@kling.com>
Subject RE: FW: Bayonne

Sarah: Paragraph 4 of the Lancelot P. Kualii declaration states that there are Belle Mead records that have been moved to DNSC Headquarters in the McNamara Complex on Fort Belvoir, Va. Those documents are located in "Drawer One" of File Cabinet 22.

In addition, Paragraph 5 of the same affidavit references documents that James Farley reviewed and searched in the Somerville Depot Warehouse Two, Section B. Ten full file drawers were located and according to paragraph 7 of the affidavit, were moved to the McNamara Complex in Va. According to paragraph 5 of the affidavit, the documents include: (1) acquisition contracts files for commodities received at Belle Meade under the DNSC; (2) acquisition contract files including weight tickets for bulk ores receives; (3) expired inventory record cards for mica; (4) outbound storage report files for commodities shipped from Belle Meade for DNSC; (5) received report files under the commodities credit corporation program for commodities received at Belle Meade between 1958 and 1975; (6) relocation files of commodities from Belle Meade to Somerville for DNSC materials; (7) green U.S. Government ledger books/logs detailing by date and report number of commodities shipped at or from Belle Mead.

I think these are the documents most likely to be a potential source of information about Bayonne.

Thanks,

Alison

Alison T. Saling, Esquire
Kirkpatrick & Lockhart Nicholson Graham LLP
973.848.4051 Direct
973.848.4000 Tel
973.848.4001 Fax
www.kling.com

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-----Original Message-----

From: Flanagan.Sarah@epamail.epa.gov
[mailto:Flanagan.Sarah@epamail.epa.gov]
Sent: Thursday, July 14, 2005 4:09 PM
To: Saling, Alison T.
Subject: Re: FW: Bayonne

To follow up on my earlier email, I recall that the affidavits reference a number of different groups of documents. Could you tell me which ones, in particular, you are interested in?

Sarah P. Flanagan
Office of Regional Counsel, NJ Superfund Branch USEPA, Region II 290
Broadway, 17th Floor New York, NY 10007
Tel: 212-637-3136
Fax: 212-637-3096

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Sarah
Flanagan/R2/USEPA/US
10/03/2005 02:37 PM

To: RobertJ.Montgomery/R2/USEPA/US@EPA
cc
bcc
Subject: Bayonne Barrel & Drum

Bob,

Joe Cosentino forwarded me your email saying you could help out with gaining access to some Army documents that may show transactions between the former US Army Depot in Belle Mead NJ and the Bayonne Barrel & Drum reconditioning facility.

The documents in question have been moved to the McNamara Complex at Fort Belvoir, VA. They were identified in the 104(e) response that we received from the Army in relation to Bayonne Barrel & Drum. The PRP Group reviewed the 104(e) response and they would like to now have a look at the documents in Fort Belvoir. I think that having you go at the same time will be a big help to both the PRPs and us, since it will increase the likelihood that either you or the PRPs find something. Ultimately, it is to all of our benefit if we can make sure that the Army contributes an appropriate amount to the cost of cleanup.

I am going to attach the email I received from the Army, with the Lancelot Kualii affidavit that talks about the documents at McNamara Complex (paragraphs 4 and 5), and forward separately the email from the PRP Group attorney explaining which documents they would like to review. Then let's talk about how to go about getting access to the documents, and scheduling.



104 Response.pdf Kualii Declaration.pdf



**DEPARTMENT OF THE ARMY
UNITED STATES ARMY LEGAL SERVICES AGENCY
901 NORTH STUART STREET
ARLINGTON VA 22203-1837**



REPLY TO
ATTENTION OF

May 24, 2005

Environmental Law Division

Joseph Cosentino, OSC
Removal Action Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue
Edison, NJ 08837-3679

Dear Mr. Cosentino:

This is in response to your request for information IAW CERCLA Section 104(e) regarding the Bayonne Barrel & Drum Superfund Site (the site), located in Newark, New Jersey. We found no responsive documents within the Army. We also consulted with other Department of Defense entities, as described below, with negligible response.

Our office contacted military installations in proximity to the site that might have had the requirement and opportunity to send waste generating materials to the site. The following Army installations were contacted: Picattiny Arsenal, NJ; Letterkenny Army Depot, PA; Tobyhanna Army Depot, PA; Aberdeen Proving Ground, MD; Fort Dix, NJ; and, Fort Monmouth, NJ. No responsive information was found at any of these installations.

You provided documents that allegedly demonstrate Belle Meade General Depot (BMGD), Somerville, NJ, sent waste barrels to the site for rehabilitation, including documents extracted from public holdings of Record Group 92 at the National Archives facility at College Park, Maryland. I reviewed the 01 Index for Record Group 92 non-public holdings at the Federal Records Centers. No further potentially responsive documents were identified.

The BMGD is a Formerly Used Defense Site (FUDS) administered by the U.S. Army Corps of Engineers. At our request, the Corps of Engineers' New York and Baltimore Districts searched their records and found no responsive documents. The Corps has been involved in environmental remediation at the BMGD FUDS. Their information concerns on-site operations concerning stockpiled commodities and does not address shipment of waste materials off-site during the relevant time period. I have enclosed a declaration of a Corps' attorney, from unrelated litigation, which explains the status of BMGD.

We consulted with the Defense Reutilization and Marketing Service (DRMS) (formerly the Defense Property Disposal Service (DPDS)), and the Defense National Stockpile Center (DNSC). Both DRMS and DNSC are subordinate commands of the Defense Logistics Agency

(DLA) and were apparently tenant organizations at Belle Meade during the relevant time period. DRMS found one item: a bidder number from 1974 placing Bayonne Barrel on a mailing list to receive information on surplus property. However, DRMS does not have a record of any sales to the site. DNSC found no responsive documents. I did enclose two declarations of DNSC personnel, from an unrelated case, which explains the status of BMGD. These declarations reference documents concerning BMGD. We don't expect any of those documents to be responsive, but they are available for inspection should you so desire.

BMGD apparently was used by the Army from 1942 to 1958, and has been owned by General Services Administration (GSA) thereafter. This office did not seek responsive information from GSA.

Enclosed is the Army response to the specific questions you asked in your Request for Information. Because we found no responsive documents, the responses are quite short. If we discover further information pertaining to the site, we will notify you. A copy of this letter will also be provided to Sarah Flanagan. If I can be of further assistance, contact me at (703) 696-1573 or mark.holycross@hqda.army.mil.

Sincerely,



Mark A. Holycross
Major, US Army
Litigation Attorney

Enclosures

Army Response to EPA Request for Information - Bayonne Barrel & Drum

1. United States Army Legal Services Agency, Environmental Law Division, 901 N. Stuart St., Suite 420, Arlington, VA 22203-1837
2. No further information in addition to documents provided by EPA.
3. No further information.
4. No further information.
5. No further information.
6. No further information.
7. No further information.
8. No further information.
9. No further information.
10. The Army does not own or control the Belle Mead General Depot (BMGD). Ownership and/or control of the property were transferred to the General Services Administration (GSA) in approximately 1958. Environmental Remediation at BMGD has been administered by the Army Corps of Engineers as a Formerly Used Defense Site (FUDS).
11. We are unaware of any Army documents relating to BMGD being transferred to another entity at the time that ownership and/or control was transferred to GSA.
12. The following individuals were consulted in preparing this response.
 - Mr. Robert Lewis, US Army Legal Services Agency, Environmental Law Division.
 - Captain Erin Curran, US Army Legal Services Agency, Environmental Law Division.
 - Mr. John Hollis, Fort Dix, NJ.
 - Mr. Mark Blasco, Tobyhanna Army Depot, PA.
 - Mr. Larry Brady, Picatinny Arsenal, NJ.
 - Ms. Melinda Knarr, Letterkenny Army Depot, PA.
 - Mr. Richard Wakeling, RDECOM, Aberdeen Proving Ground, MD.
 - Mr. Scott Romans, Defense National Stockpile Center (DNSC).
 - Ms. Patricia Chalfant, Defense Logistics Agency (DLA).
 - Ms. Judy Malmquist, Defense Reutilization and Marketing Service (DRMS).
 - Ms. Johanna Crawford, Fort Monmouth, NJ.
 - Mr. Pat Falcigno, Army Corps of Engineers.
 - Ms. Susan Platt, Baltimore District, Army Corps of Engineers.
- 13a. None.
- 13b. See attached declarations by Vincent Cangro, Lancelot Kualii, and Susan Platt.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

NCH CORPORATION, et al.,

Defendants.

Hon. Katharine S. Hayden

CIVIL ACTION

No. 2:98cv05268 (KSH)

I, Lancelot P. Kualii, do hereby declare:

1. I am the Chief of the Operations and Logistics Division of the Defense National Stockpile Center (DNSC), a field level activity of the Defense Logistics Agency (DLA), 8725 John J. Kingman Road, Suite 3229, Fort Belvoir, Virginia, 22060-6223. DLA is an agency of the United States Department of Defense. I joined DNSC in July, 1993, became a Storage Specialist in April, 1995, and have held my present position since October 7, 2001. As the Chief of Operations and Logistics, I am responsible for planning and directing the development, evaluation, and coordination of policies and procedures for managing a program for strategic and critical materials.

2. I report to Vincent R. Cangro, Director of Stockpile Operations, who assigned to me the responsibility for this

document search. I have reviewed the defendant NCH Corporation's Third-Party Complaint and its Request for Production of Documents. I have also reviewed Mr. Cangro's Declaration. I am aware of defendant NCH Corporation's allegations against the U.S. General Services Administration ("GSA"); namely, that GSA generated hazardous substances in connection with its commercial or institutional activities, and that GSA entered into contractual or other arrangements with Clifford Higgins Sr. or Higgins Disposal Service Co., Inc., or otherwise arranged for the disposal or treatment, or the transport for disposal or treatment, of such hazardous substances and that such hazardous substances were disposed of at the Higgins Farm Site. I am aware that defendant NCH Corporation seeks documents regarding the generation of hazardous substances by GSA in New Jersey from 1950 through 1985 and the disposal or treatment of those hazardous substances at the Higgins Farm Site. It is my understanding that the defendant NCH Corporation has identified the Belle Meade General Depot as a site from which GSA may have transported, or arranged for transport of, hazardous substances to the Higgins Farm Site.

3. At the request of the Department of Justice, as a result of this lawsuit, I was informed by the DNSC Counsel

that the Somerville and Curtis Bay Depot Managers were requested to search their files in an effort to locate any records concerning the Belle Meade Depot. Having reviewed Mr. Cangro's Declaration, I can state that, to the best of my knowledge and belief, there are no other reasonable locations other than the Curtis Bay and Somerville Depots at which to search for Belle Meade records. Therefore, as the supervisor of those Depot Managers, I directed the following actions.

4. I dispatched a General Supply Specialist in the Operations and Logistics Division, DNSC Headquarters, to search old files located at the Curtis Bay, Maryland, Depot. As explained in Mr. Cangro's Declaration, these files were moved from the closing New York Zone Office in 1995 and 1996. She spent five days in warehouses there, searching twenty-five filing cabinets of old files for any mention of the Belle Meade Depot, no matter what the subject. As she searched, she pulled all files which mentioned the Belle Meade Depot, and placed them in an empty drawer in an empty filing cabinet, which she numbered Drawer One of File Cabinet 22. These Belle Meade Depot records, a list of which is attached, have been moved to DNSC Headquarters, in the McNamara Complex, on Fort Belvoir, Virginia, where they are available for inspection.

5. Mr. James Farley, Manager, Somerville Depot, New Jersey, reviewed and searched Somerville Depot Warehouse Two, Section B, the location for old archived files for all stockpile operations conducted at Somerville as well as its satellite depots, which include Belle Meade. Ten full file drawers of Belle Meade-related documents were found, as follows:

a. Acquisition contract files for the commodities received at Belle Mead under the DNSC, including aluminum, beryllium, cobalt, titanium, zinc, tannin, tungsten, rubber, mercury and graphite.

b. Acquisition contract files including weight tickets for bulk ores received, including chromite, ferrochrome, manganese and ferromanganese

c. Expired (zero balance) inventory record cards for mica.

d. Outbound Storage Report files for commodities shipped from Belle Meade for DNSC.

e. Received report files under the Commodities Credit Corporation program for commodities received at Belle Meade between 1958 and 1975.

f. Relocation files of commodities from Belle Meade to Somerville for DNSC materials.

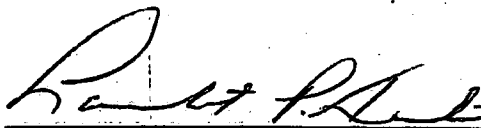
g. Green U.S. Government ledger books/logs which depict in chronological order by date and report number commodities received (Receiving Report) or commodities shipped (Outbound Storage Report) at or from Belle Mead.

6. Mr. Farley also searched fifty-seven cardboard boxes of old documents, stored on a pallet since they were moved to the Somerville Depot from the closing DNSC New York Zone Office in 1995 and 1996. His report on the results of that search is attached, and all files related to or mentioning the Belle Meade Depot have been removed from those boxes, and moved to DNSC Headquarters, in the McNamara Complex, on Fort Belvoir, Virginia.

7. All files relating to or mentioning the Belle Meade Depot found at the Somerville Depot have been moved to DNSC Headquarters located in the McNamara Complex, Fort Belvoir, Virginia, where they are available for inspection. To the best of my knowledge and belief, these files include all remaining documents which relate in any way to the Belle Meade Depot, and any other similar or dissimilar documents which would refer to commodities stored at or shipped to or from the facility located at Belle Meade.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on January 30, 2003

A handwritten signature in dark ink, appearing to read "Lancelot P. Kualii", written over a horizontal line.

LANCELOT P. KUALII

DRAWER 1- BELLE MEADE, NJ

Aluminum Oxide
Asbestos Air Sampling
Asbestos Contamination Folder #9
Asbestos Contamination Survey
Asbestos Decontamination
Asbestos Repackaging 73
Decontamination Correspondence
Chromite
Decontamination of Warehouse 9, Section B
Environmental - Mercury, Iodine, Tannin
Facility Reports
Ferro Manganese
Ferrochromium - Low & High Carbon
General Folder Commodity Inspection Report 1972
IFB for Asbestos Decontamination
Inventory Segregation Mica Pholophite Block
Leaching Potential of Materials
Manganese Dioxide Commodity Files
Manganese Ore
Maps
Mica Sales Center
Project 738 Relocation Belle Meade to Somerville
Project 790 Mica Summary File
Radiological Report
Rehab Aluminum Oxide Drums
Sampling of Manganese Dioxide Battery Grade
Scales #G508506
Scales #G508507
Stockpile Inspection Reports
Tannin Decontamination
Pile Covers Correspondence
Copper 0015
General Commodities FY 76
Weighing & Banding Lead
Handling Contract General Commodities

Archive Files – Audit

- Box #1** **Zone 1, FY87 Purchase Orders – supplies and services**
Various depots – no Belle Mead
- Box #2** **Zone 1, FY87 Purchase Orders – supplies and services**
Various depots – no Belle Mead
- Box #3** **Zone 1, FY87 Purchase Orders – supplies and services**
Various depots – no Belle Mead
- Box #4** **Zone 1, FY87 Contracts – Commodity sales, supplies and services**
Various depots – no Belle Mead
- Box #5** **Zone 1, FY87 Contracts – Commodity sales, supplies and services**
Various depots – no Belle Mead
- Box #6** **Zone 1, FY87 Contracts – Commodity sales, supplies and services**
Various depots – no Belle Mead
- Box #7** **Zone 1, FY87 Contracts – Commodity sales, supplies and services**
Various depots – no Belle Mead
- Box #8** **Zone 1, FY87 Contracts – Commodity sales, supplies and services**
Various depots – no Belle Mead
- Box #9** **Zone 1, FY87 Contracts – Commodity sales, supplies and services**
Various depots – no Belle Mead
- Box #10** **Zone 1, FY87 Contracts – Commodity sales, supplies and services**
Various depots – no Belle Mead
- Box #11** **Zone 1 Purchase Orders – Supplies and Services - 10/83 through 9/85**
various depots – no Belle Mead
- Box #12** **Zone 1 Stockpile Contracts – 1963-64 Service Contracts –**
commodities – no Belle Mead
- Box #13** **1981 Era Plantsite Handling contracts:**
***Removed 1 file for tannin contract at Belle Mead**
***Removed 4 files for unloading materials at Belle Mead and Somerville**
(Kennedy)
- Box #14** **Zone 1 office contracts for 1981-1982 (supply contracts)**
***Remove 2 files (Kennedy) decontamination asbestos - Belle Mead**
- Box #15** **Stockpile contracts 1973-75 Outloading various materials (Kennedy) –**
Belle Mead
***Removed 6 files – Action Enterprises Contact - Belle Mead (yearly**
handling)
- Box #16** **Zone 1 stockpile contracts 1980-1982 supply contracts and landscape**
maintenance contracts - no Belle Mead

Box #17 Zone 1 stockpile contracts 1963-64 - solicitations
*Removed 1 file Belle Mead (asbestos) - decontaminated

Box #18 Zone 1 stockpile contracts 1980-81- service contracts and equipment
No Belle Mead

Box #19 Zone 1 Quality Assurance (QA) sales contract files FY85
Various commodities – Manganese to tungsten – **no Belle Mead**

Box #20 Zone 1 QA sales contract files FY84
Antimony, diamond stones, iodine to mica – **no Belle Mead**

Box #21 Zone 1 QA sales contract files FY82 – silver through tin – **no Belle Mead**

Box #22 Zone 1 QA Branch – Predisposal files FY65-76
Various commodities – **no Belle Mead**

Box #23 Zone 1 QA Branch – predisposal files FY76-80
Various commodities – **no Belle Mead**

Pile #24 Zone 1 QA Branch – Bulk ore files FY74-76
Various depots – **no Belle Mead**

Pile #25 Zone 1 QA Branch – Sales contract files FY76-77
Manganese and Beryl – **no Belle Mead**

Box #26 Zone 1 QA Branch – Sales contract files FY76-77
Bulk ore – manganese – **no Belle Mead**

Box #27 Zone 1 QA Branch – Sales contract files FY76-77
Bulk ore – manganese – **no Belle Mead**

Box #28 Zone 1 QA Branch – Sales contract files FY76-77
Bulk ore – manganese – **no Belle Mead**

Box #29 Zone 1 QA Branch – Sales contract files FY76-77
Bulk ore – manganese – **no Belle Mead**

Box #30 Zone 1 QA Branch – Sales contract files FY76-77
Bulk ore – manganese – **no Belle Mead**

Box #31 Sales contracts – FY76-78
Copper, cobalt, iodine, rubber – **no Belle Mead**

Box #32 Zone 1 QA Branch records
Opium repackaging – **no Belle Mead**

Box #33 Zone 1 QA Branch records - sales
Copper, iodine, and zinc – **no Belle Mead**

Box #34 Zone 1 QA Branch records - sales
Chromite – **no Belle Mead**

Box #35 Zone 1 QA Branch records - Rewarehouse commodities contracts
*Removed FY76 files – Belle Mead rewarehoused graphite, lead, iodine

*Removed FY80 files – Belle Mead rewarehoused mercury and (1) repack mercury project

Box #36 Zone 1 QA Branch - Relocation – rewarehouse files
Various depots – no Belle Mead

Box #37 Zone 1 – Requisition files for supplies and services – Purchase Order files
Various depots – no Belle Mead

Box #38 Zone 1 purchase order files - supplies and equipment
Various depots – no Belle Mead

Box #39 Zone 1 purchase order files – supplies and equipment
Various depots – no Belle Mead

Box #40 Zone 1 QA Branch – sales contract records – FY83
Diamonds, mica, and tin
Various depots – no Belle Mead

Box #41 Zone 1 - Contract sales files FY79-82 - commodities
Diamonds, rubber, tungsten – various depots – no Belle Mead

Box #42 Zone 1 QA Branch - sales contract files - Commodities FY79, 80, and 82
No Belle Mead

Box #43 Zone 1 Purchase Order files – Contracting – supplies, services
Various depots – no Belle Mead

Box #44 Imprest Fund files – old zone office – replenishments

Box #45 Mica samples

Box #46 Stockpile rubber sales / rubber vouchers and shipping information

Box #47 Zone 1 QA Branch commodity warehouse files FY78-79
Various depots – no Belle Mead

Box #48 Zone 1 QA Branch rewarehouse files – Relocation files
Various commodity files – various depots – no Belle Mead

Box #49 Assay office working files – zone files
Silver, platinum, iridium, diamonds – no Belle Mead

Box #50 Continued Assay office files
Silver, and platinum – West Point Information only

Box #51 Somerville OSR files (outbound storage reports)
Nickel, nickel oxide, castor oil (tank farm)

Box #52 Somerville disposal files – sales
Bismuth, cadmium, chromium, and cobalt

Box #53 Somerville Bill of Ladings (commercial – sales related)

Box #54 Old GSA Voucher 46 cards - Somerville – Inventory record cards
Various commodities – no Belle Mead

Box #55 Commercial Bills of Lading 1958-1964 – commodity receipts Belle Mead

Box #56 **Service contracts - Griffis Air Force Base Rome, NY and facility reports -**
Information files

Box #57 **Stockpile inspection files**
Mechanicsburg and New Cumberland - no Belle Mead

This completes the audit of archived file boxes.